

Remarks/Arguments

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By the present amendment, claim 11 has been amended. New claims 33-35 have been added.

Examiner Interview

The Applicant's representative thanks the Examiner for the courtesies extended during the telephone interview of October 22, 2010. In the Interview, the Examiner indicated that adding claim language to independent claim 11 that further clarifies that the fixation elements are frictionally engaged by the chassis as the fixation elements are received by the chassis would likely render claim 11 patentable over the art of record. Claim 11 has been amended to include this subject matter and, thus, amended claim 11 is patentable over the art of record.

Claim Rejections under 35 U.S.C. §103

Claims 11 and 15-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,877,424 to Murray (hereafter "Murray"). It is respectfully submitted that amended claim 11 is patentable over Murray and is therefore allowable.

Amended claim 11 recites fixation elements for a bone structure that are frictionally engaged by a UHMWPE chassis as the fixation elements are received by the UHMWPE chassis and thereby are capable of being locked by friction regarding movement in axial, rotational, and angular directions as the fixation elements are received by the UHMWPE chassis. The UHMWPE chassis is spaced from the bone structure when the fixation elements are frictionally engaged with the UHMWPE

chassis. The Examiner acknowledges that Murray does not teach or suggest fixation elements that are locked by friction within a chassis as the fixation elements are received in a chassis (Office Action page 4).

In Murray, a series of pins 13-16 are initially forced through an empty, flexible bladder 18. When a hardening agent such as an epoxy resin is injected into the bladder 18, the epoxy resin hardens and adheres to the outer surfaces of the pins 13-16 in order to secure the bladder to the pins. The pins 13-16, however, must be held in place using a temporary bridge while the epoxy resin in the bladder 18 hardens (Col. 1 lines 26-65). More specifically, the pins 13-16 are clamped between clamp plates 21a, 21b, 22a, 22b of the temporary bridge and held in position during the time the bladder is filled with unhardened cement (Col. 2, lines 52-56 and Fig. 9). In fact, the bladder 18 can be removed as desired from the pins 13-16 at any time prior to the epoxy resin hardening (Col. 2, lines 42-43). In other words, the pins 13-16 are not locked by friction with the bladder 18 as the pins are initially forced through the bladder. Accordingly, it is respectfully submitted that amended claim 11 is patentable over Murray and is therefore allowable.

Claims 15-22 depend from claim 11 and are allowable for at least the same reasons as claim 11 and for the specific limitations recited therein.

New Claims

Claim 33 recites that each fixation element includes a pin that has a first diameter and the UHMWPE chassis has a hole for receiving each pin. Each of the holes has a second diameter that is smaller than the first diameter such that the fixation elements are frictionally engaged by the UHMWPE chassis as the fixation

elements are received by the UHMWPE chassis. Claim 34 recites that each fixation element includes a screw. The UHMWPE chassis has a first condition free of holes and a second condition in which each fixation element extends through a threaded hole in the chassis UHMWPE formed by the fixation element such that the fixation elements are frictionally engaged by the UHMWPE chassis as the fixation elements are received by the UHMWPE chassis. Claim 35 recites that each of the fixation elements has a first end engaged with the bone structure and a second end spaced from the bone structure. The UHMWPE chassis is positioned between the first end and the second end and is spaced from the first end when the fixation elements are frictionally engaged with the UHMWPE chassis. Support for this subject matter can be found on page 3, lines 19-25 and page 4, lines 3-26 of the originally filed specification. It is respectfully submitted that claims 33-35 are patentable over the art of record and are therefore allowable.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

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